

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SEMI HEFA,

Defendant.

CASE NO. 05-596-M

DETENTION ORDER

Offense charged:

Felon in Possession of a Firearm - Armed Career Criminal

Date of Detention Hearing: 12/28/05

The court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of any other person and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) Defendant is charged with an offense which carries a mandatory minimum sentence of fifteen years of imprisonment, and a potential maximum of life imprisonment. There is therefore a substantial incentive for him to flee, if released on bond.
- (2) Since June of 2003, there have been eight warrants issued for his arrest. It appears that some of these arose from alleged failures to appear as required.
- (3) His adult criminal record includes two convictions for VUCSA offenses, and one conviction for second degree robbery. Some of these offenses were committed while he was under the supervision of state authorities arising from prior convictions.
- (4) Law enforcement authorities allege he is an active member of the Tongan Family Crips gang, and that some of his brothers are also members. While defendant challenges the sufficiency of the government's showing in this respect, defendant has presented no evidence or proffer to the contrary.
- (5) Of particular concern to the court is defendant's alleged involvement with firearms. In this case he allegedly possessed a firearm, after three felony convictions and while on state supervision. His robbery conviction involved an incident in which his codefendant pistol-whipped and then fired a weapon at the victim. In another incident defendant was charged with robbing a man at gunpoint near a Safeway store, although this charge was dismissed as part of a plea bargain on another charge.
- (6) He has applied for, or has already obtained, a passport, for unknown reasons.
- (7) He has a history of drug abuse. He did participate in a drug treatment program while serving a prison sentence, and a drug dependency program since his release, and is subject to drug testing as a condition of his present state supervision.

(8) In addition to the charges in this case, he is also facing the possibility of revocation of his state supervision.

It is therefore ORDERED:

- (1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
- (4) The clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 29th day of December, 2005.

John L. Weinberg
JOHN L. WEINBERG
United States Magistrate Judge